

HOUSE JOINT RESOLUTION 476
By Brown

A RESOLUTION to create a special joint committee to study
issues relating to “zero tolerance” policies.

WHEREAS, a healthy and safe learning environment is necessary for both the education
of our state’s young people and the continued employment of quality education professionals;
and

WHEREAS, certain student disciplinary infractions in our public schools therefore result
in mandatory punishment; such punishment may result in removal of the pupil from his or her
regular school program at the location where the violation occurred, or removal from school
attendance altogether; and

WHEREAS, Tennessee law identifies three types of misbehavior that are “zero
tolerance” infractions: (1) bringing to school or being in unauthorized possession on school
property of a firearm as defined by federal law (TCA § 49-6-3401); (2) unlawfully possessing
any narcotic or stimulant drug (TCA § 49-6-4018); and (3) committing battery upon any teacher,
principal, administrator, or other employee of a local education agency (TCA § 49-6-4018); and

WHEREAS, students who violate any of these “zero tolerance” policy provisions are
expelled for a minimum of one (1) calendar year; and

WHEREAS, it is important to ensure that this stringent policy is effective, and thus it is
appropriate that an assessment of these two-year-old statutes be conducted to determine if
“zero tolerance” has led to a reduction in school violence and disciplinary infractions; and

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WHEREAS, Tennessee law, (TCA § 49-6-4216), authorizes local school systems to establish and enforce “zero tolerance” policies for possession of other dangerous weapons and for commission of certain other offenses; and

WHEREAS, students who are removed from their regular school programs are often assigned to alternative schools, as provided for in Tennessee Code Annotated § 49-6-3402; and

WHEREAS, it is also appropriate for this Body to examine the utilization of alternative schools, to ensure that the number and quality of these institutions meet the needs of our public education system; and

WHEREAS, this General Assembly also must ensure that the “zero tolerance” policy does not discriminate against any societal group, as such discrimination would only prove to be detrimental to the state’s efforts to reform students who violate disciplinary codes; and

WHEREAS, this matter is of grave importance to our state’s education system and is worthy of special consideration by this General Assembly; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That there is hereby created a special joint committee to study the implementation, efficiency and progress of the state’s “zero tolerance” policy.

BE IT FURTHER RESOLVED, That the special committee shall be composed of three (3) members of the house of representatives committee on education and three (3) members of the senate committee on education, to be appointed by the respective speakers.

BE IT FURTHER RESOLVED, That the special joint committee shall, at a minimum, in its deliberations consider the following:

- (a) the impact of the “zero tolerance” policy on violence within our state’s public school system;

- (b) the availability and quality of alternative schools for students expelled as a result of the state's "zero tolerance" policy; and
- (c) the possible discriminatory aspects and effects of the "zero tolerance" policy in its application.

BE IT FURTHER RESOLVED, That the Department of Education shall provide assistance to the special committee upon request of the chair.

BE IT FURTHER RESOLVED, That all legislative members of the special joint committee shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly; provided, that such members continue to serve as elected members of the General Assembly.

BE IT FURTHER RESOLVED, That the committee shall be convened by the member with the most years of continuous service in the General Assembly, and at its first meeting shall elect a chair, vice-chair and any other officers the committee deems necessary.

BE IT FURTHER RESOLVED, That the special committee shall timely report its findings and recommendations, including any proposed legislation or interim reports to the One-Hundred First General Assembly prior to the adjournment of its 1999 session, at which time the committee shall cease to exist.